

112TH CONGRESS
1ST SESSION

S. 1430

To authorize certain maritime programs of the Department of Transportation,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2011

Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize certain maritime programs of the Department
of Transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 46,**
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Maritime Administration Authorization Act for Fiscal
7 Year 2012”.

8 (b) AMENDMENT OF TITLE 46, UNITED STATES
9 CODE.—Except as otherwise expressly provided, whenever
10 in this Act an amendment or repeal is expressed in terms

1 of an amendment to, or a repeal of, a section or other
 2 provision, the reference shall be considered to be made to
 3 a section or other provision of title 46, United States
 4 Code.

5 (c) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; amendment of title 46, United States Code; table of contents.
- Sec. 2. Marine transportation system.
- Sec. 3. Short sea transportation program amendments.
- Sec. 4. Use of National Defense Reserve Fleet and Ready Reserve Force Vessels.
- Sec. 5. Green ships program.
- Sec. 6. Recycling of National Defense Reserve Fleet Vessels.
- Sec. 7. Ship scrapping reporting requirement.
- Sec. 8. Extension of Maritime Security Fleet Program.
- Sec. 9. Maritime Workforce Study.
- Sec. 10. Authorization of appropriations for fiscal year 2012.

7 **SEC. 2. MARINE TRANSPORTATION SYSTEM.**

8 (a) REPORT ON STATUS OF SYSTEM.—Section
 9 50109(d) is amended to read as follows:

10 “(d) MARINE TRANSPORTATION SYSTEM.—

11 “(1) REPORT ON WATERWAYS.—Not later than
 12 July 31, 2012, the Secretary, in consultation with
 13 the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the
 14 concurrence of the Secretary of the department in
 15 which the Coast Guard is operating, shall submit a
 16 report to the Committee on Commerce, Science, and
 17 Transportation of the Senate and the Committee on
 18 Armed Services and the Committee on Transportation and Infrastructure of the House of Represent-

atives on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure;

and

“(ii) to improve the infrastructure;

and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term “marine transportation” in-

1 includes intercoastal transportation, intracoastal
2 transportation, inland waterway transportation,
3 ports, and marine facilities.

4 “(3) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to the Sec-
6 retary such sums as may be necessary to carry out
7 this subsection.”.

8 (b) CONTAINER-ON-BARGE TRANSPORTATION.—

9 (1) ASSESSMENT AND REPORT.—Not later than

10 6 months after the date of enactment of this Act,
11 the Maritime Administration shall assess the poten-
12 tial for using container-on-barge transportation on
13 the inland waterways system and submit a report,
14 together with the Administration’s findings, conclu-
15 sions, and recommendations, to the Committee on
16 Commerce, Science, and Transportation of the Sen-
17 ate and the Committee on Armed Services and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives. If the Administration
20 determines that it would be in the public interest,
21 the report may include recommendations for a plan
22 to increase awareness of the potential for use of
23 such container-on-barge transportation and rec-
24 ommendations for the development and implementa-
25 tion of such a plan.

1 (2) FACTORS.—In conducting the assessment,
2 the Administration shall consider—

3 (A) the environmental benefits of increas-
4 ing container-on-barge movements on our in-
5 land and intracoastal waterways system;

6 (B) regional differences in the inland wa-
7 terways system;

8 (C) existing programs established at coast-
9 al and Great Lakes ports for establishing
10 awareness of deep sea shipping operations;

11 (D) mechanisms to ensure that implemen-
12 tation of the plan will not be inconsistent with
13 antitrust laws; and

14 (E) potential frequency of service at inland
15 river ports.

16 **SEC. 3. SHORT SEA TRANSPORTATION PROGRAM AMEND-**
17 **MENTS.**

18 (a) PROGRAM PURPOSE.—Section 55601(a) is
19 amended by inserting “and to promote more efficient use
20 of the navigable waters of the United States” after “con-
21 gestion”.

22 (b) DESIGNATION OF ROUTES.—Section 55601(c) is
23 amended by inserting “and to promote more efficient use
24 of the navigable waters of the United States” after “coast-
25 al corridors”.

1 (c) PROJECT DESIGNATION.—Section 55601(d) is
 2 amended to read as follows:

3 “(d) PROJECT DESIGNATION.—The Secretary may
 4 designate a project as a short sea transportation project
 5 if the Secretary determines that the project—

6 “(1) mitigates landside congestion; or

7 “(2) promotes more efficient use of the navi-
 8 gable waters of the United States.”.

9 (d) DOCUMENTATION.—Section 55605 is amended by
 10 striking “by vessel” and inserting “by a documented ves-
 11 sel”.

12 **SEC. 4. USE OF NATIONAL DEFENSE RESERVE FLEET AND**
 13 **READY RESERVE FORCE VESSELS.**

14 Section 11 of the Merchant Ship Sales Act of 1946
 15 (50 U.S.C. App. 1744), is amended—

16 (1) in subsection (b)—

17 (A) by striking “or” in paragraph (4) after
 18 the semicolon;

19 (B) by striking the period at the end of
 20 paragraph (5) and inserting “; or”; and

21 (C) by adding at the end the following:

22 “(6) for civil contingency operations and Mari-
 23 time Administration promotional and media events
 24 under subsection (f).”; and

25 (2) by adding at the end the following:

1 “(f) CIVIL CONTINGENCY OPERATIONS AND PRO-
2 MOTIONAL AND MEDIA EVENTS.—The Secretary of
3 Transportation may allow, with the concurrence of the
4 Secretary of Defense, the use of a vessel in the National
5 Defense Reserve Fleet for civil contingency operations re-
6 quested by another Federal agency, and for Maritime Ad-
7 ministration promotional and media events that are re-
8 lated to demonstration projects and research and develop-
9 ment supporting the Maritime Administration’s mission,
10 if the Secretary of Transportation determines the use of
11 the vessel is in the best interest of the United States Gov-
12 ernment after—

13 “(1) considering the availability of the National
14 Defense Reserve Fleet and Ready Reserve Force re-
15 sources;

16 “(2) considering the impact on National De-
17 fense Reserve Fleet and Ready Reserve Force mis-
18 sion support to the defense and homeland security
19 requirements of the United States Government;

20 “(3) ensuring that the use of the vessel sup-
21 ports the mission of the Maritime Administration
22 and does not significantly interfere with vessel main-
23 tenance, repair, safety, readiness, or resource avail-
24 ability;

1 “(4) ensuring that safety precautions are taken,
 2 including indemnification of liability, when applica-
 3 ble;

4 “(5) ensuring that any cost incurred by the use
 5 of the vessel is funded as a reimbursable transaction
 6 between Federal agencies, as applicable; and

7 “(6) considering any other factors the Secretary
 8 of Transportation determines are appropriate.”.

9 **SEC. 5. GREEN SHIPS PROGRAM.**

10 (a) IN GENERAL.—Chapter 503 is amended by add-
 11 ing at the end the following:

12 **“§ 50307. Green ships program**

13 “(a) IN GENERAL.—The Secretary of Transportation
 14 may establish a green ships program to engage in the envi-
 15 ronmental study, research, development, assessment, and
 16 deployment of emerging marine technologies through the
 17 use of public vessels under the control of the Maritime
 18 Administration or private vessels under United States reg-
 19 istry, and through partnerships and cooperative efforts
 20 with academic, public, private, and non-governmental enti-
 21 ties.

22 “(b) PROGRAM REQUIREMENTS.—The program—

23 “(1) shall identify, evaluate, test, demonstrate,
 24 or improve emerging marine technologies that are
 25 likely to achieve environmental improvements—

1 “(A) by reducing air emissions, water
2 emissions, or other ship discharges;

3 “(B) by increasing fuel economy or the use
4 of alternative fuels; or

5 “(C) by controlling aquatic invasive spe-
6 cies; and

7 “(2) shall be coordinated with the Environ-
8 mental Protection Agency, the United States Coast
9 Guard, and other Federal, State, local, or tribal
10 agencies, as appropriate.

11 “(c) PROGRAM COORDINATION.—Program coordina-
12 tion under subsection (b)(2) may include—

13 “(1) activities that are associated with the de-
14 velopment or approval of validation and testing re-
15 gimes; and

16 “(2) certification or validation of emerging
17 technologies that demonstrate significant environ-
18 mental benefits.

19 “(d) FUNDING AND FEES.—

20 “(1) IN GENERAL.—In carrying out the green
21 ships program, the Secretary of Transportation may
22 apply such funds as may be appropriated and such
23 funds or resources as may become available by gift,
24 cooperative agreement, or otherwise, including the

1 collection of fees, for the purposes of the program
2 and its administration.

3 “(2) ESTABLISHMENT OF FEES.—Pursuant to
4 section 9701 of title 31, the Secretary of Transpor-
5 tation may promulgate regulations establishing fees
6 to recover reasonable costs to the Secretary and to
7 academic, public, and non-governmental entities as-
8 sociated with the program.

9 “(3) FEE DEPOSIT.—Any fees collected under
10 this section shall be deposited in a special fund of
11 the United States Treasury for services rendered
12 under the program, which thereafter shall remain
13 available until expended to carry out the Secretary
14 of Transportation’s activities for which the fees were
15 collected.

16 “(e) REPORT.—The Secretary of Transportation
17 shall report on the activities, expenditures, and results of
18 the green ships program during the preceding fiscal year
19 in the annual budget submission to Congress.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for chapter 503 is amended by inserting after the
22 item relating to section 50306 the following:

“50307. Green ships program.”.

1 **SEC. 6. RECYCLING OF NATIONAL DEFENSE RESERVE**
2 **FLEET VESSELS.**

3 Section 113(e)(15) of title 40, United States Code,
4 is amended to read as follows:

5 “(15) the Maritime Administration with respect
6 to the acquisition, procurement, operation, mainte-
7 nance, preservation, sale, lease, charter, construc-
8 tion, reconstruction, reconditioning (including outfit-
9 ting and equipping incidental to construction, recon-
10 struction, or reconditioning), or disposal for recy-
11 cling (including related contracts for towing, dry-
12 docking, sale or purchase of services for recycling,
13 and vessel management), of a merchant vessel or
14 shipyard, ship site, terminal, pier, dock, warehouse,
15 or other installation necessary or appropriate for
16 carrying out a program of the Administration au-
17 thorized by law or non-administrative activities inci-
18 dental to a program of the Administration author-
19 ized by law, but the Administration shall, to the
20 maximum extent it considers practicable, consistent
21 with the purposes of its programs and the effective,
22 efficient conduct of its activities, coordinate its oper-
23 ations with the requirements of this subtitle and
24 with policies and regulations prescribed under this
25 subtitle;”.

1 **SEC. 7. SHIP SCRAPPING REPORTING REQUIREMENT.**

2 Section 3502 of the Floyd D. Spence National De-
 3 fense Authorization Act for Fiscal Year 2001 (enacted
 4 into law by section 1 of Public Law 106–398; 16 U.S.C.
 5 5405 note; 114 Stat. 1654A–490) is amended by amend-
 6 ing subsection (f) to read as follows:

7 “(f) The Secretary of Transportation shall provide
 8 briefings, upon request, to the Committee on Commerce,
 9 Science, and Transportation and the Committee on Armed
 10 Forces of the Senate and the Committee on Transpor-
 11 tation and Infrastructure, the Committee on Resources,
 12 and the Committee on Armed Forces of the House of Rep-
 13 resentatives on—

14 “(1) the progress made to recycle vessels;

15 “(2) any problems encountered in recycling ves-
 16 sels; and

17 “(3) any other issues relating to vessel recycling
 18 and disposal.”.

19 **SEC. 8. EXTENSION OF MARITIME SECURITY FLEET PRO-**
 20 **GRAM.**

21 (a) Section 53101 is amended—

22 (1) by amending paragraph (4) to read as fol-
 23 lows:

24 “(4) FOREIGN COMMERCE.—The term “foreign
 25 commerce” means—

1 “(A) commerce or trade between the
 2 United States, its territories or possessions, or
 3 the District of Columbia, and a foreign country;
 4 and

5 “(B) commerce or trade between foreign
 6 countries.”;

7 (2) by striking paragraph (5);

8 (3) by redesignating paragraphs (6) through
 9 (13) as (5) through (12), respectively; and

10 (4) by amending paragraph (5), as redesignated
 11 by section 8(a)(3) of this Act, to read as follows:

12 “(5) PARTICIPATING FLEET VESSEL.—The
 13 term “participating fleet vessel” means any vessel
 14 that—

15 “(A) On October 1, 2015—

16 “(i) meets the requirements of paragraph
 17 (1), (2), (3), or (4) of section 53102(c); and

18 “(ii) is less than 20 years of age if the ves-
 19 sel is a tank vessel, or is less than 25 years of
 20 age for all other vessel types; and

21 “(B) On December 31, 2014, is covered by an
 22 operating agreement under this chapter.”.

23 (b) Section 53102(b) is amended to read as follows:

24 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
 25 included in the Fleet if—

1 “(1) the vessel meets the requirements of para-
2 graph (1), (2), (3), or (4) of subsection (c);

3 “(2) the vessel is operated (or in the case of a
4 vessel to be constructed, will be operated) in pro-
5 viding transportation in foreign commerce;

6 “(3) the vessel is self-propelled and—

7 “(A) is a tank vessel that is 10 years of
8 age or less on the date the vessel is included in
9 the Fleet; or

10 “(B) is any other type of vessel that is 15
11 years of age or less on the date the vessel is in-
12 cluded in the Fleet;

13 “(4) the vessel—

14 “(A) is suitable for use by the United
15 States for national defense or military purposes
16 in time of war or national emergency, as deter-
17 mined by the Secretary of Defense; and

18 “(B) is commercially viable, as determined
19 by the Secretary; and

20 “(5) the vessel—

21 “(A) is a United States-documented vessel;
22 or

23 “(B) is not a United States-documented
24 vessel, but—

1 “(i) the owner of the vessel has dem-
2 onstrated an intent to have the vessel doc-
3 umented under chapter 121 of this title if
4 it is included in the Fleet; and

5 “(ii) at the time an operating agree-
6 ment for the vessel is entered into under
7 this chapter, the vessel is eligible for docu-
8 mentation under chapter 121 of this
9 title.”.

10 (c) Section 53103 is amended—

11 (1) by amending subsection (b) to read as fol-
12 lows:

13 “(b) Extension of Existing Operating Agreements.—
14 The Secretary is authorized to amend an operating agree-
15 ment that is in existence on December 31, 2014, for a
16 participating fleet vessel, or any subsequent replacement
17 of the participating fleet vessel, to extend the operating
18 agreement through September 30, 2025. The terms and
19 conditions of the extended operating agreement shall in-
20 clude terms and conditions authorized under this chapter,
21 as amended from time to time. If a contractor does not
22 agree to an extended operating agreement before February
23 28, 2015, the Secretary may award the operating agree-
24 ment to another contractor. Beginning on February 28,

1 2015, operating agreements shall not be transferable by
2 the contractor.”; and

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) PROCEDURE FOR AWARDING NEW OPERATING
6 AGREEMENTS.—The Secretary may enter into a new oper-
7 ating agreement with an applicant that meets the require-
8 ments of section 53102(c) (for vessels that meet the quali-
9 fications of section 53102(b)) on the basis of priority for
10 vessel type established by military requirements of the
11 Secretary of Defense. The Secretary shall allow an appli-
12 cant at least 30 days to submit an application for a new
13 operating agreement. After consideration of military re-
14 quirements, priority shall be given to an applicant that
15 is a U.S. citizen under section 50501 of this title. The
16 Secretary may not approve an application without the con-
17 sent of the Secretary of Defense. The Secretary shall enter
18 into an operating agreement with the applicant or provide
19 a written reason for denying the application.”.

20 (d) Section 53104 is amended—

21 (1) in subsection (c), by striking paragraph (3);
22 and

23 (2) in subsection (e), by striking “an operating
24 agreement under this chapter is terminated under
25 subsection (c)(3), or if”.

1 (e) Section 53105 is amended—

2 (1) by amending subsection (e) to read as fol-
3 lows:

4 “(e) REPLACEMENT VESSELS.—A contractor may re-
5 place a vessel under an operating agreement with another
6 vessel that is eligible to be included in the Fleet under
7 section 53102(b), if the Secretary, in conjunction with the
8 Secretary of Defense, approves the replacement of the ves-
9 sel.”; and

10 (2) by striking subsection (f).

11 (f) Section 53106 is amended—

12 (1) in subsection (a)(1), by striking “and (C)
13 \$3,100,000 for each of fiscal years 2012 through
14 2025.” and inserting the following:

15 “(C) \$3,100,000 for each of fiscal years
16 2012, 2013, 2014, 2015, 2016, 2017, and
17 2018;

18 “(D) \$3,500,000 for each of fiscal years
19 2019, 2020, and 2021; and

20 “(E) \$3,700,000 for each of fiscal years
21 2022, 2023, 2024, and 2025.”;

22 (2) in subsection (c)(3)(C), by striking “a
23 LASH vessel.” and inserting “a lighter aboard ship
24 vessel.”; and

25 (3) by striking subsection (f).

1 (g) Section 53107(b)(1) is amended to read as fol-
 2 lows:

3 “(1) IN GENERAL.—An Emergency Prepared-
 4 ness Agreement under this section shall require that
 5 a contractor for a vessel covered by an operating
 6 agreement under this chapter shall make commercial
 7 transportation resources (including services) avail-
 8 able, upon request by the Secretary of Defense dur-
 9 ing a time of war or national emergency, or when-
 10 ever the Secretary of Defense determines that it is
 11 necessary for national security or contingency oper-
 12 ation (as that term is defined in section 101 of title
 13 10, United States Code).”.

14 (h) Section 53109 is repealed.

15 (i) The table of contents for chapter 531 is amended
 16 by striking the item relating to section 53109.

17 (j) Section 53111 is amended by striking “and (3)
 18 \$186,000,000 for each fiscal year thereafter through fiscal
 19 year 2025.” and inserting the following:

20 “(3) \$186,000,000 for each of fiscal years
 21 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

22 “(4) \$210,000,000 for each of fiscal years
 23 2019, 2020, and 2021; and

24 “(5) \$222,000,000 for each fiscal year there-
 25 after through fiscal year 2025.”.

1 (k) Chapter 531 is amended by adding at the end
 2 the following:

3 **“§ 53112. Acquisition of fleet vessels**

4 “(a) IN GENERAL.—Notwithstanding section 2218(f)
 5 of title 10, United States Code, upon replacement of any
 6 vessel subject to an operating agreement under this chap-
 7 ter, and subject to agreement by the vessel owner, the Sec-
 8 retary is authorized, subject to concurrence with the Sec-
 9 retary of Defense, to acquire the vessel being replaced for
 10 inclusion in the National Defense Reserve Fleet.

11 “(b) REQUIREMENTS.—In order to be eligible for ac-
 12 quisition by the Secretary under this section, a vessel
 13 shall—

14 “(1) have been included in a Maritime Security
 15 Program Operating Agreement for not less than 3
 16 years; and

17 “(2) meet recapitalization requirements for the
 18 Ready Reserve Force.

19 “(c) FAIR MARKET VALUE.—The Maritime Adminis-
 20 tration shall establish a fair market value for the acquisi-
 21 tion of an eligible vessel under this section.

22 “(d) APPROPRIATIONS.—A vessel acquisition under
 23 this section shall be subject to the availability of appro-
 24 priations and the appropriations shall be part of the Na-

1 tional Defense Reserve Fleet appropriations and separate
2 from Maritime Security Program appropriations.”.

3 (l) EFFECTIVE DATE OF AMENDMENTS.—The
4 amendments made by—

5 (1) paragraphs (2), (3), and (4) of section 8(a)
6 of this Act take effect on December 31, 2014;

7 (2) section 8(c)(1) of this Act take effect on
8 December 31, 2014; and

9 (3) section 8(f)(2) of this Act take effect on De-
10 cember 31, 2014.

11 **SEC. 9. MARITIME WORKFORCE STUDY.**

12 (a) TRAINING STUDY.—The Comptroller General of
13 the United States shall conduct a study on the training
14 needs of the maritime workforce.

15 (b) STUDY COMPONENTS.—The study shall—

16 (1) analyze the impact of training requirements
17 imposed by domestic and international regulations
18 and conventions, companies, and government agen-
19 cies that charter or operate vessels;

20 (2) evaluate the ability of the Nation’s maritime
21 training infrastructure to meet the current needs of
22 the maritime industry;

23 (3) evaluate the ability of the Nation’s maritime
24 training infrastructure to effectively meet the needs
25 of the maritime industry in the future;

1 (4) identify trends in maritime training;

2 (5) compare the training needs of U.S. mari-
3 ners with the vocational training and educational as-
4 sistance programs available from Federal agencies to
5 evaluate the ability of Federal programs to meet the
6 training needs of U.S. mariners;

7 (6) include recommendations for future pro-
8 grams to enhance the capabilities of the Nation's
9 maritime training infrastructure; and

10 (7) include recommendations for future pro-
11 grams to assist U.S. mariners and those entering
12 the maritime profession achieve the required train-
13 ing.

14 (c) FINAL REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller General
16 shall submit a report on the results of the study to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation and In-
19 frastructure of the House of Representatives.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
21 **CAL YEAR 2012.**

22 There are authorized to be appropriated to the Sec-
23 retary of Transportation for programs of the Maritime
24 Administration the following amounts:

1 (1) OPERATIONS AND TRAINING.—For expenses
2 necessary for operations and training activities, not
3 to exceed \$161,539,000 for the fiscal year ending
4 September 30, 2012, of which—

5 (A) \$28,885,000 is for capital improve-
6 ments at the U.S. Merchant Marine Academy,
7 to remain available until expended; and

8 (B) \$11,100,000 is for maintenance and
9 repair for training ships at State Maritime
10 Schools, to remain available until expended.

11 (2) MARITIME GUARANTEED LOANS.—For ad-
12 ministrative expenses related to loan guarantee com-
13 mitments under chapter 537 of title 46, United
14 States Code, not to exceed \$3,750,000, which shall
15 be paid to the appropriation for “Operations and
16 Training”, Maritime Administration.

17 (3) SHIP DISPOSAL.—For disposal of non-reten-
18 tion vessels in the National Defense Reserve Fleet,
19 \$18,500,000, to remain available until expended.

○